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C O N F I D E N T I A L SECTION 01 OF 03 ABUJA 002276

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TAGS: [SNAR](#) [KCRM](#) [PREL](#) [PGOV](#) [NI](#)

SUBJECT: NIGERIA: NARCOTICS AND LAW ENFORCEMENT DEMARCHE

DELIVERED

REF: STATE 124582

Classified by Ambassador Howard F. Jeter; Reasons 1.5 (b) and (d).

1.(C) Summary: The Ambassador's recent delivery of the annual narcotics certification benchmarks to Attorney General Kanu Agabi led to an expanded discussion of broader law enforcement issues. Agabi asked for USG understanding of the GON's current budget woes, for which he blamed the lack of adequate NDLEA funding, but pledged closer cooperation in addressing the myriad narcotics, crime and policing concerns shared by both countries. Noteworthy was his pledge to work closely with the High Court Chief Judge to ensure USG extradition cases are assigned to the most capable and honest judges and prosecutors. End Summary.

2.(C) On July 12 Ambassador Jeter met with the Attorney General in his Ministry of Justice office to deliver the annual narcotics certification demarche (reftel). RNLEO accompanied. The Attorney General expressed appreciation for the Embassy's patience and persistence in seeking GON approval of the Bilateral Law Enforcement Assistance Agreement recently signed on July 2. Explaining the issue of Police resistance to placing a USDOJ ICITAP police advisor in Nigerian Police Force headquarters, Agabi bluntly stated, "they don't want the US to see the crimes they commit there."

3.(C) After explaining the background and timetable of the certification process, as well as its ramifications for bilateral and multilateral assistance, the Ambassador walked the AG through the eight benchmark categories set out for Nigeria.

4.(C) The Attorney General listened attentively to the various points and desired accomplishments for the year. In response to USG concerns that the NDLEA receive adequate funding as the sole anti-drug agency in Nigeria, Agabi described the budget crisis afflicting most government agencies, including the NDLEA. He pledged to argue the NDLEA's budgetary needs with President Obasanjo and encouraged the Ambassador to do the same.

Extradition

5.(C) Ambassador Jeter praised the AG for his robust cooperation on the first successful extradition to the U.S. in many years. He asked Agabi if this was the result of an improved extradition process, to which the AG answered indirectly that he had personally supervised the extradition case. Stating that "we at the Ministry promise to do our best," Agabi cautioned that he could not control Nigeria's independent judiciary, which he characterized as riddled with corruption. Expressing extreme frustration in attempting to get judicial officials to deliver efficient and sound judgements in extradition cases, he unguardedly mused that perhaps he needed to "bribe judges to do the right thing," if this became necessary.

6.(C) Agabi pledged to personally oversee all future USG extradition requests. The Attorney General said he would consult with the Chief Judge of the Federal High Court, Rosaline Ukeje, to have a "good" judge such as the one who presided over the Umoh hearing, selected for extradition cases. Bringing into the meeting Ministry prosecutor Obi Agusioba, who argued the government's case for Gabriel Umoh's extradition, Agabi stated he would put this prosecutor on the next case and would monitor its progress closely. (Note:

The AG on July 29 signed the order for the High Court to begin extradition proceedings in the case of Daniel Orhiunu. A judge for the case has yet to be named. End Note)

Legislative Largess

7.(C) When pressed on the apparent inactivity on passage of the draft Financial Crimes Commission Act, introduced to the National Assembly in January, the AG decried the corruption among national legislators. He recalled his first term as Attorney General under President Obasanjo when he lobbied the Assembly for passage of the Anti-Corruption Bill (which established the Anti-Corruption Commission). An unnamed Committee Chairman requested a large sum of money to pass the legislation. A more recent example of legislative corruption was the federal government's attempt to pass a resource control bill, for which a group of legislators demanded \$5 million.

Abacha Loot -- the Deal

8.(C) The Ambassador asked Agabi about the deal between the Obasanjo government and the Abacha family. The AG confirmed recent discussions with the family's lawyers led to an agreement that the Abachas would return \$1.2 billion in looted funds in return for amnesty from further assets investigations. The AG noted that no funds have yet been returned to the federal government accounts but this should be accomplished in the next two to three months. Pointing to the July 11 Supreme Court ruling releasing Mohammed Abacha (son of the late dictator) of any charges in the murder of Kudirat Abiola (wife of the putative winner of the annulled 1993 elections), Agabi stated the ruling was part of the deal, "though you won't find that in the formal written agreement." The AG further stated that, despite the Supreme Court's ruling in favor of Mohammed, the dictator's son would remain in jail on fraud charges until "the money is returned." (Comment: The AG seemed to acknowledge implicitly that the judiciary is being manipulated to make the deal work. Mohammed Abacha remains in jail three weeks after the Supreme Court ruling, although the justification for holding him is not clear. End Comment.)

9.(C) The Ambassador noted that the FBI has been assisting the GON in its quest to investigate and retrieve misappropriated funds in the U.S. and asked if the deal struck with the Abachas meant the assistance was no longer needed. The Attorney General stated that the "hunt will continue" despite the deal with the Abachas.

Demarche Delivery to NDLEA

10.(C) On July 22, Ambassador Jeter delivered the certification benchmarks demarche to NDLEA Chairman Bello Lafiaji. Lafiaji appeared defensive on the expressions of concern over limited NDLEA efforts in drug interdiction and investigations of major drug traffickers. He bemoaned the lack of Federal funding for his agency, blaming severe financial constraints for the NDLEA's inability to perform better.

11.(C) He asked the Ambassador to lobby President Obasanjo for increased funding while at the same time requesting additional INL assistance for NDLEA commodities, particularly five new vehicles to support the Joint Task Force that works with DEA. The Ambassador noted that INL assistance has been substantial (over \$500,000 in the past 12 months) and will continue, though funding for FY01 and FY02 have already been earmarked for specific commodities for the NDLEA. He pledged, however, to raise the NDLEA's budgetary needs with the President at the next available opportunity.

12.(C) On the issue of money laundering and the need to address the FATF's concerns, Lafiaji put the blame at the doorstep of the Finance Ministry, which manages the Central Bank of Nigeria (CBN). The NDLEA chief suggested the Ambassador bring CBN officials together with the Attorney General, the Police and himself to discuss how to improve anti-money laundering performance. Ambassador Jeter responded that we hope to host an informal law enforcement roundtable at the Embassy in the coming weeks, to include the Attorney General, senior Police Officials, the NDLEA Chairman and others. Though the main theme for these discussions will be the new forms of "419" advance-fee fraud, we could easily

discuss the FATF concerns on money laundering controls and invite senior CBN officials.

13.(C) Comment: Noticeable progress has been made in the areas of drug interdiction, extradition, and fighting 419 fraud, though clearly much more needs to be done. Money laundering and major drug investigations seem to be the areas of least achievement for Nigerian law enforcement efforts.

14.(C) The ineffectual National Assembly is the major obstacle to the promulgation of new legislation to confront money laundering. The June 21 FATF report on Non-Cooperating Countries and Territories, which noted a complete lack of progress on Nigeria's part, appears to have caught the attention of many including the President and we will use the FATF's warning of impending "counter-measures," to be imposed on October 31 absent any discernable progress, to prod the GON to move decisively on the necessary legislation and bureaucratic structure. The Ambassador will also urge President Obasanjo to give the NDLEA more than the modest 157 million naira (approximately \$1.1 million) allotted to the agency so far this fiscal year.

JETER